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ATTY DOCKET NO. 10003511-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Paul K. Wolber et al.

Group Art Unit: 1655

Serial No.: 09/628,472

Examiner: B.J. Forman

Filed: July 31, 2000

Title: ARRAY BASED METHODS FOR SYNTHESIZING NUCLEIC  
ACID MIXTURES

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement mailed 07/13/01, Group I (claims 1-15) is hereby elected without traverse. This makes any discussion of a restriction as between Groups II and III moot in the present application, and Applicants reserve the right to dispute a restriction requirement as between Groups II and III in any subsequent division or continuation application.

Applicants remind the Examiner that in making the restriction requirement between the identified Groups the Examiner, at least implicitly, is acknowledging that each identified Group is patentable over the other. This is so since for any restriction MPEP 802.01 requires that each of the subjects of the restriction must be "PATENTABLE (novel and unobvious) OVER EACH OTHER (though they may each be unpatentable because of the prior art)".

If the Examiner believes there are any outstanding issues which might be resolved by means of a telephone conference, she is invited to call Gordon Stewart at (650) 485-2386.

Respectfully submitted,



Gordon Stewart  
Attorney for Applicants  
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